

### **REMARKS/ARGUMENTS**

In the Office Action, the Examiner objected to claim 1; rejected claim 34 under 35 U.S.C. 101; rejected claims 1-5, 7-9, 11, 17-21, 23-25, 27, and 33-39 under 35 U.S.C. 102(e) as being anticipated by *Ketcham et al.* (U.S. Pat. No. 6,721,334); rejected claims 6, 13-16, 22, and 29-32 under 35 U.S.C. 103(a) as being unpatentable over *Ketcham et al.* in view of *Borella et al.* (U.S. Pat. No. 6,643,259); rejected claims 10 and 26 under 35 U.S.C. 103(a) as being unpatentable over *Ketcham et al.* in view of *Mulligan* (U.S. Pat. No. 6,212,190); rejected claims 12 and 28 under 35 U.S.C. 103(a) as being unpatentable over *Ketcham et al.* in view of *Chapman et al.* (U.S. Pat. No. 6,246,684). The rejections are fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks.

Claims 1, 17, and 33-39 have been amended to further clarify the subject matter regarded as the invention. Support for the amendments can be found Fig. 3A, 3B, 4, 6, 8, and elsewhere in the specification. Accordingly, claims 1-39 remain pending in this application.

### **OBJECTIONS TO CLAIM 1**

Claim 1 has been amended to correct the informalities as noted by the Examiner in the Office Action. Therefore, it is respectfully submitted that the objections to claim 1 be withdrawn.

### **REJECTION OF CLAIM 34 UNDER 35 U.S.C. 101**

Claim 34 has been amended to delete the term "carrier wave". Therefore, it is respectfully submitted that the Examiner's rejection to claim 34 under 35 U.S.C. 101 be withdrawn.

### **PATENTABILITY OF CLAIMS 1-39**

Claim 1 pertains to a method for combining data segments. Claim 1 requires among other things that "at the combiner node, sending an acknowledgement to the first node to confirm receipt of the data segments by the combiner node". Claim 17 pertains to a router operable to combine data segments. Claim 17 requires among other things that "at the router, send an acknowledgement to the first node to confirm receipt of the data segments by the router". Claim

33 pertains to a computer program product for combining data segments. Claim 33 requires among other things computer program instructions stored within the at least one computer readable product configured to cause a combining device to: "at the combining device, send an acknowledgement to the first node to confirm receipt of the data segments by the combining device". Claim 35 pertains to an apparatus for combining data segments. Claim 35 requires among other things "means for at the combiner node, sending an acknowledgement to the first node to confirm receipt of the data segments by the combiner node".

One of the many advantages of the present invention is to allow the combiner node/router/combining device to establish separate flows/sessions with other nodes. For example, referencing Fig. 3B, a first flow (e.g., set of Syn, Syn-Ack, Ack, Fin, Fin-Ack, and Ack) is established between client 302 and data combiner 304 and a second flow (e.g., set of Syn, Syn-Ack, Ack, Fin, Fin-Ack, Ack) is established between data combiner 304 and server 306. The flows include a series of frames that are exchanged between the combiner node/router/combining device and other nodes. In other words, bidirectional communication is established between the combiner node/router/combining device and other nodes, as clarified with the amendments to claims 1, 17, 33, and 35 (e.g., "at the combiner node, sending an acknowledgement to the first node to confirm receipt of the data segments by the combiner node").

In contrast, *Ketcham et al.* does not disclose establishing a flow between a first node and the combiner node/router/combining device. *Ketcham et al.* merely discloses a router 308 that receives a first packet over a packet based network; determines whether the first packet is on a route that supports aggregate packets; waits a predetermined period for a second packet that shares at least one common route element that also supports aggregate packets with the first packet; sends the first packet to the destination using the first route if the predetermined period expires before receiving the second packet; and creates an aggregate packet including the first packet and the second packet if the second packet is received before the predetermined period expires. (See Abstract; Claim 30; and Fig. 3) Although the Examiner cited in the Office Action Column 4, lines 12-21 of *Ketcham et al.* as teaching the establishment of a flow between a first node and the combiner node, the relevant cited portions merely states that "the terminals 100-104 are coupled in communication with the network 106" and "the network 106 is coupled in communication with the router 308". Nowhere in *Ketcham et al.* discloses establishment of "a flow" as claimed, much less "at the combiner node, sending an acknowledgement to the first node to confirm receipt of the data segments by the combiner node". (See Fig. 1, Fig. 3, and Fig.

4 – packets are sent in one direction between terminal 100 and router 108/308 as indicated by the arrows (not labeled)). Accordingly, it is respectfully submitted that claims 1, 17, 33, and 35 are patently distinct from *Ketcham et al.* Claims 1, 17, 33, and 35 are also patently distinct from *Borella et al.*, *Mulligan*, and *Chapman et al.*

The Examiner's rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-16, 18-32, 34, and 36-39 each depend either directly or indirectly from independent claims 1, 17, 33, or 35 and, therefore, are respectfully submitted to be patentable over cited arts for at least the reasons set forth above with respect to claims 1, 17, 33, or 35. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.


For example, claim 4 requires among other things "when a number of flows received into the combiner node changes, setting the combiner timer based on the number of flows" and claim 5 requires among other things "wherein the combiner timer is set to a selected one of a plurality of times, wherein each time selection is based on whether the number of flows has reached a particular threshold level." Both claims 4 and 5 relate to flows, which the cited art fails to teach or suggest. For other examples, claims 36-39 require establishing a second flow.

### SUMMARY

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. CISC208).

Respectfully submitted,  
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